IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No: 21870 of 2004

Between:

J. Shantha Kumari, W/o. K. Veeresham,
TOA (P), O/o. GMTD, Adilabad, Adilabad District, R/o. Sai Sandhi Kirana Store, Vidyanagar, Adilabad -504 001.

..... PETITIONER

AND

1 The Secretary, Department of Telecommunications, New Delhi.
2 The Chief General manager, Telecom, A.P. Circle, Station Road, Nampally, Hyd.
3 The Divisional Engineer (Admin), O/o. GM Telecom, Adilabad.
4 The Dy. General Manager, O/o. GM Telecom, Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Pass an order or direction more particularly in the nature of writ of mandamus declaring that the order of the Hon'ble Central Administrative Tribunal in O.A.No.1022 of 2004, dt. 8.10.2004 as illegal and consequently set aside the same and direct the respondents to reinstate the petitioner into service as TOA with all consequential and incidental benefits.

Counsel for the Petitioner: MR.P.BHASKAR

Counsel for the Respondents: MR.K. NARAHARI (Standing Counsel)

The Court at the stage of admission made the following:

ORAL ORDER (PER GB,J)

Heard the learned counsel for the petitioner and Sri K.Narahari, Standing Counsel for the respondents.

2. The writ petition is filed challenging the order dated 8.10.2004 passed by the Central Administrative Tribunal, Hyderabad in O.A.NO.1022/2004.

3. The petitioner was removed from service by order dated 27.08.2004 issued by Chief General Manager, Telecommunications, BSNL, A.P. Circle Hyderabad. The said order came to be challenged before the Central Administrative Tribunal in the O.A. The learned Tribunal without going to the merits of the case dismissed the O.A. for want of jurisdiction. The said order is assailed in this writ petition.

4. The learned counsel for the petitioner submitted that originally the petitioner was the employee of Department of Telecommunications (D.O.T.) and not BSNL and even according to the terms of option also, she continues to be the employee of D.O.T., subject to finalization of vigilance case. Therefore, the order passed by the Tribunal is illegal and contrary to law.

5. We have heard the learned counsel for the parties.

6. We are unable to appreciate the contention of the learned counsel for the petitioner, for the reason that admittedly the order of removal was passed by the Chief General Manager of BSNL. Under these circumstances, we do not find any illegality in the order passed by the Tribunal.

7. Further it is not as if the petitioner is left with no other alternative. It was made clear by the Tribunal in the impugned order that the petitioner may challenge the same before appropriate forum. Thus we do not find any merit in the writ petition and is liable to be dismissed.

8. Accordingly, the writ petition is dismissed. No costs.

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(G. BIKSHAPATHY, J.)

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(B. SESHASAYANA REDDY, J.)

30.11.2004

AVS /ES

To

1 The Secretary, Department of Telecommunications, New Delhi.
2 The Chief General manager, Telecom, A.P. Circle, Station Road, Nampally, Hyd.
3 The Divisional Engineer (Admin), O/o. GM Telecom, Adilabad.
4 The Dy. General Manager, O/o. GM Telecom, Adilabad.

5. 2 CD copies.

6. The Central Administrative Tribunal, Hyderabad.